

Application No.: 09/808,006Docket No.: 1509-148**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (*currently amended*) A method of transferring audio messages to a mobile entity across a mobile radio infrastructure, the method comprising the steps of:

- (a) transferring to a service system a voice call made towards the mobile entity but which cannot be completed;
- (b) recording the call at the service system and forming it into a data message addressed to the mobile entity;
- (c) at a time determined with a view to avoiding peak traffic loadings of the mobile radio infrastructure, ~~passing~~ pushing the data message to the mobile entity over a data-capable bearer service of the mobile radio infrastructure; and
- (d) storing the data message in the mobile entity for subsequent access by a user.

2. (**ORIGINAL**) A method according to claim 1, wherein the data message is passed to the mobile entity at a time corresponding to an off-peak charging rate through the mobile radio infrastructure according to a predetermined tariff schedule held or accessed by the service system.

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3. **(ORIGINAL)** A method according to claim 1, wherein the data message is passed to the mobile entity at a time corresponding to an off-peak charging rate through the mobile radio infrastructure according to a charging schedule dynamically changed to take account of the actual loading of the mobile radio infrastructure, this schedule being accessed at least periodically by the service system.

4. **(ORIGINAL)** A method according to claim 1, wherein the data message is passed to the mobile entity at a time preset according to a schedule agreed with the operator of the mobile radio infrastructure for avoiding peak load periods on the infrastructure.

5. **(ORIGINAL)** A method according to claim 1, wherein the data message is passed to the mobile entity at a time negotiated with an arbitration system in communication with the mobile radio infrastructure, to satisfy transfer parameters specified by the service system for transfer of the data message through the mobile radio infrastructure.

6. **(ORIGINAL)** A method according to claim 1, wherein the data message is passed to the mobile entity in response to the mobile radio infrastructure indicating to the service system that the mobile entity is available to receive the data message.

7. **(currently amended)** A method according to claim 1, wherein further including converting the voice call ~~is converted~~ to text at the service system for incorporation into the data message.

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8. *(currently amended)* A method according to claim 1, ~~wherein further including supplying the service system with a called party ID identifying the mobile device in response to transfer of the voice call to the service system results in the service system being provided with a called party ID identifying the mobile device, the service system using this ID to look by~~ looking up a destination address for the data message in response to the called party ID.

9. **(ORIGINAL)** A method according to claim 1, wherein the data message is an e-mail message.

10. **(previously presented):** A method according to claim 8 wherein the service system performs the looking up step.

11. **(Canceled)**

12. **(Canceled)**

13. **(previously presented)** The method of claim 11 wherein the call is formed into the data message at the service system and the data message is passed from the service system to the mobile entity.

14. **(CURRENTLY AMENDED)** A method of transferring an audio message to a mobile entity across a mobile radio infrastructure, the method comprising the steps of:

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- (a) transferring to a service system an uncompleted voice call made towards the mobile entity,
- (b) forming the uncompleted call into a data message addressed to the mobile entity; and
- (c) subsequently ~~passing pushing~~, at a non-peak traffic loading time of the mobile radio infrastructure, the data message to the mobile entity over a data-capable bearer service of the mobile radio infrastructure.

**15. (Canceled)**

16. *(currently amended)* The method of claim 11 wherein the ~~passing pushing~~ step is performed at a non-peak traffic loading time of the mobile radio infrastructure.

17. *(currently amended)* Apparatus for enabling an audio message to be transferred to a mobile entity across a mobile radio infrastructure comprising:

- a receiver for an uncompleted voice call made towards the mobile entity;
- a processor for forming the uncompleted call into a data message addressed to the mobile entity;
- a memory for storing the data message; and
- a transmitter for retrieving the stored data message and ~~transmitting pushing~~, at a non-peak traffic loading time of the mobile radio infrastructure, the retrieved stored data message toward the mobile entity via a data-capable bearer service of the mobile radio infrastructure.

**18. (Canceled)**

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19. *(currently amended)* Apparatus for enabling an audio message to be transferred to a mobile entity across a mobile radio infrastructure comprising:

a receiver for an uncompleted voice call made towards the mobile entity;

a processor for forming the uncompleted call into a data message addressed to the mobile entity;

a memory for storing the data message; and

a transmitter for retrieving the stored data message and ~~transmitting~~ pushing the retrieved stored data message toward the mobile entity via a data-capable bearer service of the mobile radio infrastructure ~~without a call being received by the apparatus from the mobile entity.~~

20. *(previously presented)*: The apparatus of claim 17 wherein the transmitter is arranged for transmitting the retrieved stored data message during non-peak traffic loading time of the mobile radio infrastructure.